

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

XS HOLDING B.V., et al.,	)	Case No.: C 08-02282 RMW (PVT)
Plaintiffs,	)	
v.	)	<b>ORDER RE DEFENDANT XSLENT,</b>
	)	<b>LLC'S <i>EX PARTE</i> APPLICATION FOR</b>
COOL EARTH SOLAR, INC., et al.,	)	<b>STAY OF DISCOVERY</b>
	)	
Defendants.	)	
_____	)	

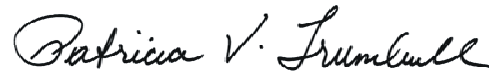
On June 16, 2008, defendant Xslent, LLC filed an *ex parte* application for an order relieving defendants from proceeding with their obligations under Fed. R. Civ. P. 26. In support of its application, defendant Xslent argues that a motion to dismiss is scheduled to be heard on July 25, 2008 before Judge Whyte and any discovery would be largely duplicative of discovery already obtained or scheduled to be obtained in a consolidated state court action. The consolidated state court action is scheduled for trial on October 6, 2008. Defendants Martin N. Lettunich, Stefan Matan and Atira Technologies, LLC have joined the application.

Neither plaintiffs XS Holding B.V. nor defendants Cool Earth Solar, Inc., Rob Lamkin,

1 Lawrence Asuncion, Solar Components LLC, Nathan Schulhof and M. James Bullen have joined or  
2 opposed the application. Accordingly, any opposition to the application shall be filed no later than  
3 July 1, 2008 and a reply, if any, shall be filed no later than July 8, 2008. Pursuant to Civ. L.R. 7-6,  
4 the application will be taken under submission without oral argument.<sup>1</sup>

5 IT IS SO ORDERED.

6 Dated: June 24, 2008

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8 PATRICIA V. TRUMBULL  
9 United States Magistrate Judge  
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28 <sup>1</sup> The holding of this court is limited to the facts and the particular circumstances  
underlying the present motion.

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